IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

ARBITRATION APPLICATION NO. 147 OF 2005

M/s. Nandram Constructions .. Applicant

Vs.

Union of India .. Respondent

Mr.G.L. Masand for applicant.
Mr.T.J. Pandian for respondent.

CORAM : B. H. MARLAPALLE,J.

Date : April 28, 2006.

P.C.:

1. Heard the learned counsel for the parties. The respondent has filed an affidavit in reply and opposed this application for appointment of arbitrators. It is contended by the respondent-General Manager that the applicant abandoned the contract work midway and the same was got to be done from some other party and, therefore, the Railways have to recover from the applicant an amount of Rs.20,80,905/- by way of difference in the contractual rate for 34 gates between the original contract price and the price accepted in the risk and cost tender. The respondent also prayed that the recovery sought to be made from the applicant is also required to be referred to the arbitration.

2. The General Manager, Central Railway is hereby directed to constitute an arbitral tribunal within a period of six weeks from today, provided the applicant also submits the name of panel arbitrator within a period of two weeks. Needless to mention, to the arbitral tribunal, so appointed by the respondent, claims and counter claims of the parties shall be referred.

3. Application is disposed off accordingly.

(B.H. Marlapalle, J.)